Bay Delta Conservation Plan Environmental Coordination Team (BECT) Meeting
Tuesday, December 2, 2014 | 1 p.m. – 5 p.m.
Bureau of Reclamation | Sacramento, CA 95814

MEETING SUMMARY

Participants:

- Michelle Banonis, Bureau of Reclamation
- Barbara Beggs, U.S. Fish and Wildlife Service
- Sarah Britton, Sacramento County
- Steve Centerwall, ICF
- Teresa Chan, ICF
- Susan Clark, U.S. Army Corps of Engineers
- Richard Denton, Contra Costa County and Solano County
- Gordon Enas, Department of Water Resources
- Cassandra Enos, Department of Water Resources
- Bill Femlen, Solano County
- Chris Fue, Central Valley Regional Water Quality Control Board
- Roberta Goulart, Solano County
- Catherine Hack, Sacramento County
- B.G. Heiland, Department of Water Resources
- Ryan Hernandez, Contra Costa County
- Derek Hilts, U.S. Fish and Wildlife Service
- Patti Idlof, Bureau of Reclamation
- Brooke Jacobs, Department of Fish and Wildlife
- Mary Lee Knecht, Bureau of Reclamation
- Ken Kundargi, Department of Fish and Wildlife
- Gavin Landgraf, Delta Stewardship Council
- Jessica Law, BDCP-DWR
- Cathy Marcinkevage, NOAA Fisheries
- Osha Meserve, Reclamation Districts 150, 55, and 999
- Jim Moose, Department of Water Resources
- Theresa Olson, Bureau of Reclamation
- Terri Pencovic, Caltrans
- Larry Rabin, U.S. Fish and Wildlife Service
- Yvette Redler, NOAA Fisheries
- Diane Riddle, State Water Resources Control Board
- Lori Rinek, U.S. Fish and Wildlife Service
- Erik Ringelberg, Reclamation Districts 150, 55, and 999
- Kevan Samsam, Delta Stewardship Council
- Stephanie Skophammer, U.S. EPA *(phone)*
- Ann Stine, Bureau of Reclamation
- Melinda Terry, North Delta Water Agency
- Don Thomas, Sacramento County
- Dan Wolk, Solano County
- Marcus Yee, Department of Water Resources

Facilitation:

- Mike Harty, Kearns & West
- Michael Larsen, Kearns & West

Action Items

- Bureau of Reclamation to circulate list of possible future BECT topics; BECT participants

to respond with prioritization of topics.

- Bureau of Reclamation to schedule future meetings: all-day sessions December 15th and January 7th.
- ICF to follow up with Melinda Terry regarding presentations to organizations she represents.
- Bureau of Reclamation to circulate meeting summary to BECT participants.

Introduction

Michelle Banonis, Bureau of Reclamation, opened the meeting and described the meeting's objectives:

- Share proposed changes to CM1
- Share the status, process, and scope of the partially Recirculated Draft EIR / Supplemental Draft EIS (RDEIR/SDEIS).
- Receive feedback and guidance on proposed approaches to address comments related to water quality.
- Evaluate BECT meetings and brainstorm future BECT meeting topics.

Facilitator Mike Harty, Kearns & West, briefly reviewed the meeting ground rules to promote productive dialogue.

Overview of Proposed Changes to CM1

Gordon Enas, Department of Water Resources, described proposed changes to CM1 that are the product of a year of meetings with landowners, state and federal government, local agencies, and additional engineering work. The primary objective for these changes is to reduce impacts on Delta communities and covered species (i.e. Greater Sandhill Crane). Proposed changes include increasing the use of state-owned property, decreasing visual impacts, shifting to a gravity flow design that consolidates all pumping operations to Clifton Court Forebay, and removal of RTM location from Staten Island.

Partially Recirculated Draft EIR / Supplemental Draft EIS Process and Scope

Steve Centerwall, ICF, described the status and scope of the partially RDEIR/SDEIS. Key steps are:

1. Develop and approve scope of supplemental material
2. Prepare analyses and publish preliminary draft document
3. Review, revise and publish RDEIR/SDEIS
4. Circulate RDEIR/SDEIS for public review
5. Prepare Final EIR/EIS (including response to comments)
6. Circulate for minimum 30-day public review
7. Lead agencies consider comments on Final EIR/EIS
8. Hold hearing on Final EIR/EIS
9. Prepare and adopt ROD/NOD

Centerwall clarified that the comments and responses on the initial Draft EIR/EIS will not be published with the recirculated/supplemental documents—rather, the comments and responses from both rounds of public review will be published at the same time in the Final EIR/EIS. However, the recirculated/supplemental documents will reflect revisions that are the result of comments. The recirculated/supplemental documents also will include substantial new analyses and changes to CEQA conclusions and NEPA Effects Determinations and mitigation measures. It was requested that the comments that were received on the initial Draft EIR/EIS be publicly posted online so that they may inform the review of the recirculated/supplemental documents.

Centerwall listed the following topics to be included in the REIR/SEIS:

- Proposed CM1 changes for Alternative 4
  - Consolidating pumping plants at Clifton Court Forebay (CCF)
  - Reconfiguring CCF
  - Reducing project impacts on Staten Island
  - Changing Reusable Tunnel Material (RTM) locations
  - Augmenting CM1 operations description and adaptive management
  - Revising construction assumptions
  - Adding geotechnical investigation analysis
- Project description level-of-detail
- Alternatives comparison
- Water Quality analysis and mitigation measures
- Air Quality and Health Risk Assessment
- Traffic and Noise analyses
- Aquatic species impacts
- Cumulative Impacts
- Environmental Commitments
- Geotechnical investigations analysis
- Habitat restoration success
- Modeling interpretation
- Assurances and funding
- Other Lead Agency and Cooperating Agency comments

A number of participants inquired whether specific changes or new analyses will be addressed in the recirculated/supplemental document, including new modeling, combined airshed analysis, flood impacts and emergency preparedness, new data layers, and water supply. One participant requested that the review period be significantly longer than the minimum required 45 days because of the time necessary for stakeholders to analyze how their previous comments were addressed and to develop new comments.

Ann Stine, Bureau of Reclamation, described how comments have been categorized by topic, including comments from BECT agencies, and noted that water quality was among the most commented-upon topics. Comments in appendices will be treated as any other comment.

Proposed Approaches to Comments on Water Quality

Ben Giudice, Robertson-Bryan, Inc., presented a description of proposed approaches related to water quality for the recirculated/supplemental environmental documents. Specifically, these approaches relate to how salinity, mercury, and selenium are addressed in the EIR/EIS.

Salinity

The analysis of salinity in the draft EIR/EIS, and the subsequent comments, identified a variety of salinity-related issues. Further modeling sensitivity analysis is being conducted, and understanding the factors contributing to these issues will likely influence project changes,

mitigation measures, or adaptive management.

Some participants expressed a lack of confidence in the models used, suggesting that sensitivity analysis does not address their concerns. Bureau of Reclamation staff offered the possibility of creating a technical work group, as a subset of the BECT, to explore modeling issues in response to comments.

Ongoing analysis suggests that some impacts likely can be successfully addressed by mitigation. Participants advised that it would be helpful for the BECT to see a list of those impacts before the final documents.

Mercury

The following issues and proposed approaches to address them were discussed regarding mercury:

Issue: Uncertainty regarding level of impact associated with tidal restoration, floodplain restoration; uncertainty regarding effectiveness of CM12 (mercury minimization) to limit mercury methylation

Approach: Better explain uncertainty in modeling and current state of the science. Explain recent and ongoing research. More explicitly explain how research efforts will inform design and siting of restoration sites.

Participant Discussion:

- This approach is a step in the right direction.
- Even with the improved explanations, the uncertainty related to this topic is a significant impact.
- The impact of restoration on mercury methylation is speculative.
- The plan should aim to reduce inorganic mercury entering the system, as this is the only reliable way to ultimately reduce methyl mercury.
- Experts on this topic should be utilized to address this issue.

Issue: No assessment of impact on mercury downstream of Plan Area (i.e., San Francisco Bay)

Approach: Evaluate change in mercury loading in San Francisco Bay due to project

Participant Discussion:

- Timing and sequencing affect mercury loading, so it is difficult for the CM2-22 programmatic analysis to precisely evaluate impacts. This could be addressed in part by a bounding analysis based on the project timeline and the expected exports at various time intervals.

Selenium

The following issues and proposed approaches to address them were discussed regarding selenium.

Issue: Modeling overestimated actual selenium levels in Delta, underestimated change from baselines to project alternatives

Approach: Re-run selenium modeling using more representative input concentrations/data

Participant Discussion:

- Current selenium concentration data are available; be sure to be using all relevant current data.

Issue: No assessment of impact on selenium downstream of Plan Area (i.e., San Pablo and San Francisco Bay)

Approach: Evaluate change in selenium loading in San Pablo Bay due to project and effects of changed flows on selenium transport through San Pablo Bay

Participant Discussion:

- Selenium modeling was not done in San Pablo Bay, but significant selenium loading could lead to accumulation, and if that is the case, it should be analyzed more quantitatively.

Issue: No assessment relative to new EPA draft criteria

Approach: Evaluate water/fish tissue concentrations relative to draft criteria

Participant Discussion:

- No comments on this topic.

Issue: Impacts on bioaccumulation of residence time increases not addressed for CM1 analysis

Approach: Review residence time change estimates, evaluate significance relative to selenium bioaccumulation, incorporate into CM1 analysis

Participant Discussion:

- No comments on this topic.

Issue: Potential for increased selenium loading of selenium to San Joaquin River from agriculture in the watershed not addressed

Approach: Review and describe existing regulatory actions in SJR watershed, assess change in exported water for significance to potential increases in loading

Participant Discussion:

- The existence of regulatory programs or actions does not necessarily prevent increased selenium loading from agriculture. In many cases, these regulatory actions are not successful in achieving their purpose, so considering the efficacy of these regulatory actions is necessary to determine whether there will be increased selenium loading due to agriculture.
- The time scale of analysis is important, as long-term averages mask short-term conditions that can have major impacts on the ecosystem.

Evaluation, Wrap Up, and Next Steps

Michelle Banonis requested input about the meeting and possible future meeting topics. The following themes were raised by participants:

- This meeting was helpful compared to some previous meetings.
- The emphasis on the underlying assumptions being used in the analysis is helpful.
- The discussion about salinity addressed the process of determining if the various impacts are real, but it did not address the next step, which is to decide how to address impacts.
- Today's input will lead to a better document.
- BECT participants rely on these meetings to stay informed about the process.
- BECT participants have expertise to share, so meetings should be frequent and interactive.
- It would be helpful to have DWR representatives provide a higher level presentation about some of their decisions involving the recirculated/supplemental documents.

The following were identified as possible future topics for BECT meetings

- Discussion of process and timing
- Discussion of funding for environmental review
- Flood impacts
- Emergency preparedness
- Water supply
- Agriculture
- Habitat
- Water quality models
- Yolo Bypass/CM2 impacts (cumulatively with CM1)

Participants discussed scheduling additional BECT meetings, and identified December 15, 2014 and January 7, 2015 for all-day BECT meetings.